

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

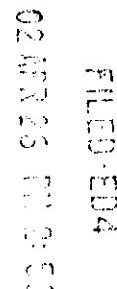
DOCKETED

APR 29 2002

JUNE TONEY,)
Plaintiff,)
v.)
L'OREAL USA, INC., THE WELLA)
CORPORATION, and WELLA)
PERSONAL CARE OF NORTH)
AMERICA,)
Defendants.)

02C 3002
No.

JUDGE RONALD GUZMAN
MAGISTRATE JUDGE LEVIN



NOTICE OF REMOVAL

TO: Clerk of the United States District Court for the Northern District of Illinois

Reginald J. Hill
Elizabeth C. Darko
R.J. HILL & ASSOCIATES, LTD.
19 South LaSalle Street
Suite 1402
Chicago, Illinois 60603

Defendants, L'Oreal USA, Inc. ("L'Oreal"), The Wella Corporation, and Wella Personal Care of North America (collectively "Wella"), pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, hereby provide notice of removal of this action from the Circuit Court of Cook County, Illinois to this Court. The grounds for removal are as follows:

1. On March 29, 2002, L'Oreal was served with a Summons and Complaint filed in the Circuit Court of Cook County, Illinois in an action entitled *June Toney vs. L'Oreal USA, Inc., The Wella Corporation, and Wella Personal Care of North America*, Case Number 02 L 003446. Plaintiff's Complaint is attached hereto as Exhibit A.

2. On March 28, 2002, Wella was served with a Summons and Complaint filed in the Circuit Court of Cook County, Illinois in an action entitled *June Toney vs. L'Oreal USA, Inc., The Wella Corporation, and Wella Personal Care of North America*, Case Number 02 L 003446.

3. This Notice of Removal is brought pursuant to 28 U.S.C. §§ 1441 and 1446. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 on the basis that there is federal question jurisdiction related to plaintiff's claim brought pursuant to the "U.S. laws of unfair competition, 15 U.S.C. § 1125(a)." Complaint ¶ 23.

4. The District Court has original jurisdiction over plaintiff's unfair competition count pursuant to 28 U.S.C. § 1331, as it is a claim that arises under Trademark Act of 1946, as amended ("Lanham Act"), a law of the United States.

5. Furthermore, Section 39(a) of the Lanham Act, 15 U.S.C. 1121(a), provides, in pertinent part: "The district and territorial courts of the United States shall have original jurisdiction . . . of all actions arising under this Act, without regard to the amount in controversy or to diversity or lack of diversity of the citizenship of the parties."

6. The United States District Court for the Northern District of Illinois, Eastern Division, is the appropriate court for filing this Notice of Removal from the Circuit Court of Cook County, Illinois, because it is the district where the state court action is pending and where it is alleged that the damages occurred.

7. This Notice of Removal is timely because it was filed within thirty days of L'Oreal's and Wella's receipt of Plaintiff's Summons and Complaint.

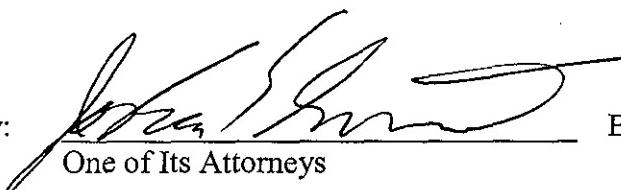
8. All defendants who have been named and served with Complaint and Summons have joined in the removal of this Action to the United States District Court for the Northern District of Illinois, Eastern Division, as is evidenced by the signatures of their counsel.

9. L'Oreal and Wella have given written notice of the filing of this Notice of Removal to all attorneys of record and to the Clerk of the Circuit Court of Cook County, Illinois.

WHEREFORE, Defendants L'Oreal USA, Inc., The Wella Corporation, and Wella Personal Care of North America, hereby give notice of removal of the above-referenced action now pending in Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois, Eastern Division.

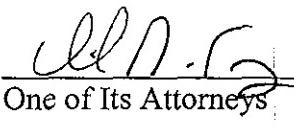
Dated April 26, 2002

Respectfully submitted,
L'OREAL USA, INC.

By: 
One of Its Attorneys

John S. Letchinger, Esq. (6207361)
Joshua L. Smith, Esq. (6238128)
WILDMAN, HARROLD,
ALLEN & DIXON
225 West Wacker Drive
Chicago, Illinois 60606-1229
(312) 201-2000
Attorneys for Defendant L'Oreal USA, Inc.

Respectfully submitted,
THE WELLA CORPORATION AND
WELLA PERSONAL CARE OF
NORTH AMERICA

By: 
One of Its Attorneys

Daniel M. Feeney, Esq. (06224893)
MILLER SHAKMAN & HAMILTON
208 S. LaSalle Street
Suite 1100
Chicago, Illinois 60604
(312) 263-3700
Attorneys for Defendants The Wella
Corporation and Wella Personal Care of North
America

2120 - Served
2220 - Not Served
2320 - Served By Mail
2420 - Served by Publication
SUMMONS

2121 - Served
2221 - Not Served
2321 - Served by Mail
2421 - Served by Publication
ALIAS - SUMMONS

(Rev. 9/3/99) CCG 0001

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

June Toney,
Plaintiff,

No. 02L 003446

Please Serve:

v.
L'Oreal USA, Inc.,
The Wella Corporation, and
Wella Personal Care of North America,
Defendants.

L'Oreal USA, Inc. c/o
Corporation Service Company
80 State Street
Albany, New York 12207

SUMMONS

To each defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the office of the Clerk of this Court at the following location:

Richard J. Daley Center, 50 W. Washington, Room 801, Chicago, Illinois 60602

District 2 - Skokie
5600 Old Orchard Rd.
Skokie, IL 60077

District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008

District 4 - Maywood
1500 Maybrook Ave.
Maywood, IL 60153

District 5 - Bridgeview
10220 S. 76th Ave.
Bridgeview, IL 60455

District 6 - Markham
16501 S. Kedzie Pkwy.
Markham, IL 60426

You must file within 30 days after service of this summons, not counting the day of service.
IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

Atty. No.: 36495

Name: Reginald J. Hill

Atty. for: Plaintiff

Address: 19 S. LaSalle St., Suite 1402

City/State/Zip: Chicago, IL 60603

Telephone: (312)236-3672

WITNESS,

MAR 25 2002

Clerk of Court

Date of service: _____

(To be inserted by officer of copy left with defendant
or other person)

**Service by Facsimile Transmission will be accepted at: _____

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

EXHIBIT

2120 - Served
2220 - Not Served
2320 - Served By Mail
2420 - Served by Publication
SUMMONS

2121 - Served
2221 - Not Served
2321 - Served by Mail
2421 - Served by Publication
ALIAS - SUMMONS

(Rev. 9/3/99) CCG 0001

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

June Toney,
Plaintiff,

No. 02L 003446

v.
L'Oreal USA, Inc.,
The Wella Corporation, and
Wella Personal Care of North America,
Defendants.

Please Serve:

The Wella Corporation
c/o National Registered
Agents, Inc.
440 9th Avenue, 5th Floor
New York, New York 10001

SUMMONS

To each defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the office of the Clerk of this Court at the following location:

Richard J. Daley Center, 50 W. Washington, Room 801, Chicago, Illinois 60602

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1500 Maybrook Ave.
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You must file within 30 days after service of this summons, not counting the day of service.
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This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

MAR 20 2002

Atty. No.: 36495

WITNESS, DOROTHY BROWN,

Name: Reginald J. Hill

CLERK OF CIRCUIT COURT

Atty.for: Plaintiff

Address: 19 S. LaSalle St., Suite 1402

Clerk of Court

City/State/Zip: Chicago, IL 60603

Date of service _____

Telephone: (312)236-3672

(To be inserted by officer or copy left with defendant
or other person)



**Service by Facsimile Transmission will be accepted at: _____
(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Firm No. 36495

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

JUNE TONEY,)
Plaintiff,)
v.)
L'OREAL USA, INC.,) 02L 003446
a Delaware Corporation,)
THE WELLA CORPORATION,)
a Delaware Corporation, and)
WELLA PERSONAL CARE OF)
NORTH AMERICA, INC.,)
Defendants.)
No. CALENDAR 2
STATUTORY ACTION

COMPLAINT

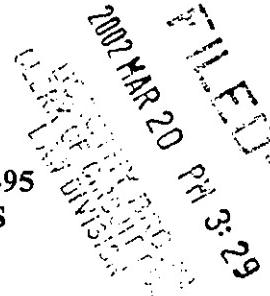
Plaintiff, June Toney, complains of Defendants L'Oreal USA, Inc. ("L'Oreal"), The Wella Corporation and Wella Personal Care of North America (collectively referred to as "Wella"), and states as follows:

NATURE OF THE ACTION

1. This action arises out of Defendants' unauthorized commercial use of Ms. Toney's likeness. Ms. Toney seeks damages and injunctive relief to prevent Defendants' continued use of her likeness and further interference with her right to control the use of her likeness for commercial purposes.

THE PARTIES

2. Ms. Toney is a resident of Bolingbrook, Will County, Illinois. Ms. Toney is a model and actress who has appeared in numerous print advertisements, commercials, runway shows, and etcetera. Ms. Toney allowed Johnson Products Company ("Johnson



Products") to use her likeness on the packaging of Ultra Sheen Supreme relaxer products and in national magazines for a limited time.

3. Defendant L'Oreal is a Delaware corporation with a place of business in Chicago, Cook County, Illinois. L'Oreal does business in Illinois and/or has committed tortious acts in Chicago, Cook County, Illinois.

4. L'Oreal develops, manufactures, distributes and markets hair care products to consumers and hair care professionals.

5. In August 2000, L'Oreal acquired Carson Products Company and its line of hair care products, including the Ultra Sheen Supreme brand relaxer and related products, which were previously owned by Johnson Products.

6. Defendant The Wella Corporation is a Delaware corporation that does business in Illinois and/or has committed tortious acts in Chicago, Cook County, Illinois.

7. Defendant Wella Personal Care of North America, Inc. does business in Illinois and/or has committed tortious acts in Chicago, Cook County, Illinois.

8. Wella Personal Care of North America, Inc. is a related company to The Wella Corporation.

9. Wella develops, manufactures, distributes and markets hair care products to consumers and hair care professionals.

10. On or about December 2000, Wella purchased the Ultra Sheen brand from L'Oreal.

GENERAL ALLEGATIONS

11. On or about November 2, 1995, Johnson Products made an offer to Ms. Toney related to the use of her likeness for Ultra Sheen relaxer products. After some

negotiations, Ms. Toney's agent, Micki Kriz of Arlene Wilson Management, sent a letter to Teri Day of Equinox Advertising Agency outlining the terms for use of Ms. Toney's likeness for Ultra Sheen relaxer products. (A copy of Ms. Kriz's letter is attached hereto as Exhibit 1.)

12. According to the terms of the letter, Johnson Products had a right to use Ms. Toney's likeness in conjunction with the Ultra Sheen relaxer packaging for five years only, beginning November 3, 1995 to November 3, 2000. In addition, Johnson Products had the right to use Ms. Toney's likeness in national magazines for one year only, beginning November 3, 1995 to November 3, 1996.

13. Johnson Products and its successors, Defendants L'Oreal and Wella, have used and continue to use Ms. Toney's likeness on Ultra Sheen relaxer packaging and in other media, including phone cards, magazines, posters, point of purchase materials and the Internet, beyond the terms outlined in Ms. Kriz's letter. (A copy of the phone card is attached hereto as Exhibit 2; a copy of a poster is attached hereto as Exhibit 3; a copy of point of purchase materials is attached hereto as Exhibit 4; and a copy of an advertisement on the Internet is attached hereto as Exhibit 5.)

14. The Ultra Sheen relaxer packaging that includes Ms. Toney's likeness is presently distributed and sold internationally, including in Chicago, Illinois.

15. On February 19, 2002, Ms. Toney's attorney contacted Defendants and asked that the Defendants cease and desist their use of Ms. Toney's likeness, but the Defendants continue their unauthorized commercial use of Ms. Toney's likeness on Ultra Sheen relaxer packaging and in other media.

16. Ms. Toney has made several unsuccessful attempts to receive compensation from Defendants for their use of her likeness beyond the terms outlined in the agreement with Johnson Products. Ms. Toney has also lost opportunities to use her likeness in the promotion of hair care products because of Defendants' continued use of Ms. Toney's likeness.

COUNT I

RIGHT OF PUBLICITY

17. Plaintiff incorporates and realleges Paragraphs 1-16 above.

18. This Count is brought pursuant to the Illinois Right of Publicity Act, 765 ILCS 1075/1 et seq.

19. The actions of Defendants L'Oreal and Wella stated above constitute an unauthorized commercial use of Ms. Toney's likeness in violation of 765 ILCS 1075/1 et seq.

20. The actions of Defendants were and are willful and intentional.

21. The actions of Defendants have harmed Ms. Toney and entitle her to injunctive relief and monetary damages.

COUNT II

UNFAIR COMPETITION

22. Plaintiff incorporates and realleges Paragraphs 1-21 above.

23. This Count is brought pursuant to the U.S. laws of unfair competition, 15 U.S.C. § 1125(a).

24. The actions of Defendants L'Oreal and Wella stated above constitute

unfair competition with Ms. Toney's right to control the use her likeness for commercial purposes in violation of 15 U.S.C. § 1125(a).

25. The Defendants' products do imply sponsorship and/or endorsement by Ms. Toney, which allows Defendants to capitalize on consumer confusion.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays that this Court:

1. Permanently enjoin Defendants L'Oreal and Wella, and others acting with them or at their direction from further unauthorized use of Ms. Toney's likeness on its commercial products;
2. Award plaintiff damages in an amount not less than her actual damages or any additional profits, benefit, value from use and/or unjust enrichment obtained by L'Oreal and Wella through their unauthorized use of Ms. Toney's likeness;
3. Award plaintiff punitive and exemplary damages;
4. Award plaintiff her attorneys' fees and cost; and
5. Award plaintiff all other just and equitable relief permitted by statute or common law for a sum of money in excess of the minimum jurisdictional amount.

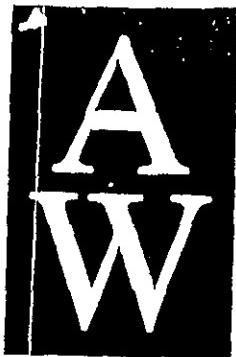
Dated: March 20, 2002

JUNE TONEY

By: _____


One of Her Attorneys

Reginald J. Hill
Elizabeth C. Darko
R.J. HILL & ASSOCIATES, LTD.
19 South LaSalle Street
Suite 1402
Chicago, IL 60603
(312) 236-3672



ARLENE
WILSON
MANAGEMENT

Teri,

I just wanted to fax over the details of June's shoot.

\$1500.00 day rate

\$1500.00 national magazine - 1 yr. only

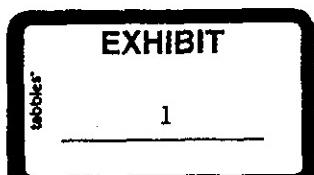
\$5000.00 packaging. 5 yr. exclusive

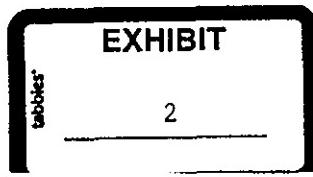
relaxer packaging only

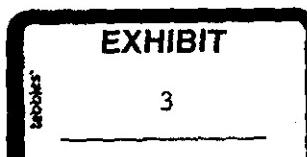
\$300.00 prep.

\$8300.00 + 20% agency fee

Billboards, TV, and all other media to be negotiated separately by Arlene Wilson on June Toney's behalf.







September 2001

SALLY

BEAUTY

Season for Change

Ultra Sheen Supreme Valu-Pack
\$3.99 After \$2 Coupon
444855

Limit one coupon per customer. Void if reproduced.
Good only at SSS Stores. Expires 8/2001.

FREE Military Brush with the purchase of S-Curl Kit or Proline Comb Thru Kit
444101

Limit one coupon per customer. Void if reproduced.
Good only in SSS Stores. Expires 8/2001.

Just For Me Child's Relaxer
\$3.99

Beautiful Beginnings Child's Relaxer Kit
\$3.79 After \$1 Coupon
444115

Limit one coupon per customer. Void if reproduced.
Good only in SSS Stores. Expires 8/2001.

Soft & Beautiful Twin Pak Relaxer Kit
\$5.49

SASSY
Jumbo Braid Kanekalon
4/\$6.00 Your Choice

• Soft & Beautiful No-lye Conditioning Relaxer Precise No-lye Relaxer Kit
\$4.99

SASSY
Jumbo Braid Kanekalon
\$9.79 Your Choice

EXHIBIT



MSN Home | Hotmail | Web Search | Shopping | Money | People & Chat



I'm a
seeking a

Woman	1
Man	1

GO

Search t

Hotmail Home | **Inbox** | Compose | Address Book | Options | Help | **Calendar**

jctoney@hotmail.com

Save Address(es) | Block | [Previous](#) [Next](#) | [Close](#)

From : "Chris Twarowski" <admin@ariamodel.com>
To : <JCTONEY@HOTMAIL.COM>
Subject : IMAGE
Date : Tue, 9 Oct 2001 15:57:19 -0500
Attachment : KIRSTENJACKSON.JPG (305k)

[Reply](#) | [Reply All](#) | [Forward](#) | [Delete](#) | [Put in Folder...](#)

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men's grooming
kid's corner
salon professional
questions & answers
investors

ULTRA SHEEN

Trusted by families for over 40 years to condition and moisturize the hair and scalp. Ultra Sheen® is the number one selling conditioning hair dress in America consisting of Original, Light, Hair Food, Extra Dry and most recently, Anti Itch and Cr® Natural formulas.

Ultra Sheen® relaxers have a tried and true heritage. The Ultra Sheen Supreme Value Pak is the fastest growing kit in America. The new Perfect Performance™ relaxer kit by Ultra Sheen® is formulated with Silken Sheen™ to provide straight and shiny hair.

RELAXER WARNING: Follow directions carefully to avoid sun & swim irritation, hair breakage, and eye injury.

Notice: Attachments are automatically scanned for viruses using



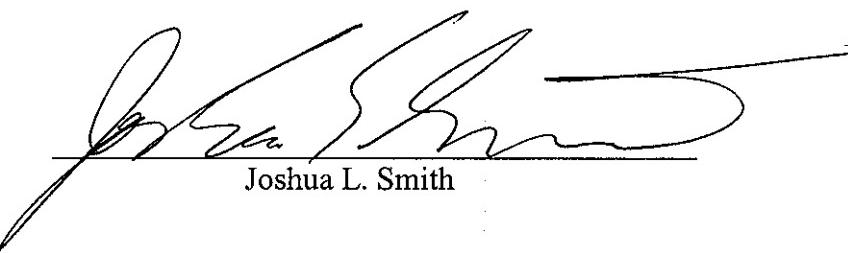
[Reply](#) | [Reply All](#) | [Forward](#) | [Delete](#) | [Put in Folder...](#)

[Previous](#) [Next](#) | [Close](#)

EXHIBIT

CERTIFICATE OF SERVICE

I, Joshua L. Smith, an attorney, state that I have served a copy of the foregoing Notice of Removal to all counsel of record by depositing a copy of same in the United States Mail at 225 West Wacker Drive, Chicago, Illinois 60606, properly addressed with the proper prepaid postage affixed thereto this 26th day of April, 2002.



Joshua L. Smith

Cash 2
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**Civil Cover Sheet 02C 3002**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

JUDGE RONALD GUZMAN**Plaintiff(s): June Toney****Defendant(s): L'Oreal USA, Inc. The Wella Corporation Wella Personal Care of North America****County of Residence:****County of Residence:**

Plaintiff's Atty: Reginald J. Hill, Elizabeth C. Darko
R.J. Hill & Associates
19 S. LaSalle Street, Suite 1402,
Chicago, Illinois 60603
312-236-3672

Defendant's Atty:**MAGISTRATE JUDGE LEV**

See Attached
DOCKETED

APR 29 2002**II. Basis of Jurisdiction:****3. Federal Question (U.S. not a party)****III. Citizenship of Principal
Parties (Diversity Cases Only)**

Plaintiff:- N/A
Defendant:- N/A

02 APR 26 PM 2:46
U.S. DISTRICT COURT
CLERK'S OFFICE
FILED - FEA
FBI - CHICAGO

IV. Origin :**2. Removed From State Court****V. Nature of Suit:****840 Trademark****VI. Cause of Action:****15 U.S.C. 1125(a), claim of unfair competition; supplemental jurisdiction over Illinois Right of Publicity Act claim, 765 ILCS 1075/1.****VII. Requested in Complaint**

Class Action: No
Dollar Demand: None
Jury Demand: No

VIII. This case IS NOT a refiling of a previously dismissed case.**Signature:****Date:** 4/26/02

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, print this form, sign and date it and submit it with your new civil action. **Note: You may need to adjust the font size in your browser display to make the form print properly.**

Revised: 06/28/00

LIST OF DEFENDANTS' ATTORNEYS

For L'Oreal USA, Inc.

John S. Letchinger, Esq. (6207361)
Joshua L. Smith, Esq. (6238128)
WILDMAN, HARROLD,
ALLEN & DIXON
225 West Wacker Drive
Chicago, Illinois 60606-1229
(312) 201-2000

**For The Wella Corporation and Wella
Personal Care of North America**

Daniel M. Feeney, Esq. (6224893)
MILLER SHAKMAN & HAMILTON
208 S. LaSalle Street
Suite 1100
Chicago, Illinois 60604
(312) 263-3700

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

In the Matter of

Eastern Division

DOCKETED

APR 29 2002

June Toney, Plaintiff,

vs.

L'Oreal USA, Inc., The Wella Corporation, and Wella
Personal Care of North America, Defendants

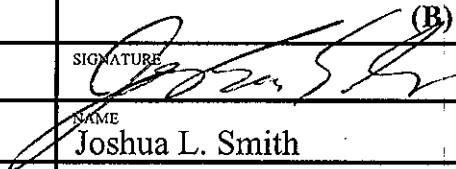
Case Number:

02C 3002

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

L'Oreal USA Inc.

~~MAGISTRATE JUDGE LEVIN~~

 (A)		 (B)	
SIGNATURE	SIGNATURE		
NAME John S. Letchinger	NAME Joshua L. Smith		
FIRM Wildman Harrold Allen & Dixon	FIRM Wildman Harrold Allen & Dixon		
STREET ADDRESS 225 W. Wacker Drive	STREET ADDRESS 225 W. Wacker Drive		
CITY/STATE/ZIP Chicago, Illinois 60606	CITY/STATE/ZIP Chicago, Illinois 60606		
TELEPHONE NUMBER (312) 201-2000	TELEPHONE NUMBER (312) 201-2000		
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6207361		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6238128	
MEMBER OF TRIAL BAR? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	MEMBER OF TRIAL BAR? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
TRIAL ATTORNEY? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	TRIAL ATTORNEY? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
		DESIGNATED AS LOCAL COUNSEL? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
(C)		(D)	
SIGNATURE	SIGNATURE		
NAME	NAME		
FIRM	FIRM		
STREET ADDRESS	STREET ADDRESS		
CITY/STATE/ZIP	CITY/STATE/ZIP		
TELEPHONE NUMBER	TELEPHONE NUMBER		
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR? <input type="checkbox"/> YES <input type="checkbox"/> NO	MEMBER OF TRIAL BAR? <input type="checkbox"/> YES <input type="checkbox"/> NO		
TRIAL ATTORNEY? <input type="checkbox"/> YES <input type="checkbox"/> NO	TRIAL ATTORNEY? <input type="checkbox"/> YES <input type="checkbox"/> NO		
DESIGNATED AS LOCAL COUNSEL? <input type="checkbox"/> YES <input type="checkbox"/> NO	DESIGNATED AS LOCAL COUNSEL? <input type="checkbox"/> YES <input type="checkbox"/> NO		